

STATE BAR OF GEORGIA

THE DEMOCRATIC COALITION,)
SCOTT DWORKIN, JON COOPER AND)
J. WHITFIELD LARRABEE,)
)
V.)
)
JAY ALAN SEKULOW)
_____)

COMPLAINT

1. This is a complaint against Jay Alan Sekulow (“Sekulow”).
2. Sekulow is licensed to practice law in Georgia and is a lawyer subject to the disciplinary authority this jurisdiction. Sekulow is well known as an attorney for President Donald Trump.
3. In representing Donald Trump, Sekulow violated the Georgia Rules of Professional conduct by counseling and assisting Michael Cohen, a former lawyer of Donald Trump, to testify falsely before Congress.
4. In representing Donald Trump, Sekulow violated the Georgia Rules of Professional conduct by repeatedly and inaccurately telling members of the press that the President played no role in drafting a false statement of Donald Trump Jr. about a meeting with Russian individuals in Trump Tower. In fact, The President played an active in drafting the false statement. This misconduct occurred on or about July 12, 2017 and July 16, 2017. See, Special Counsel Robert Mueller, III, Report On The Investigation Into Russian Interference In The 2016 Presidential Election, Vol. 2, pp. 104-05. Sekulow’s statements to the media were dishonest and deceitful misrepresentations.

5. Sekulow violated Rule 3.4 (b)(2) by aiding, abetting, counseling and assisting Cohen to testify falsely. Rule 3.4 (b)(2) provides that a lawyer shall not “counsel or assist a witness to testify falsely.”
6. Sekulow violated Rule 8.4(a)(4) of Georgia Rules of Professional Conduct that provides that a lawyer shall not “engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation.”
7. On August 28, 2017, President Donald Trump's former personal lawyer Michael Cohen, submitted a written statement to Congress. Sekulow participated in drafting the statement. The written statement included statements about Trump Tower Moscow that were known to be false by Cohen and Sekulow.
8. On October 24 and 25, 2017, Cohen testified before Congress and repeated the false statements that were included in his written statement about Trump Tower Moscow.
9. On or about November 29, 2018, Cohen pleaded guilty to a criminal charge based on lies he told to Congress. The guilty plea concerned the false statements about Trump Tower Moscow that Sekulow counseled and assisted Cohen to make. Cohen is presently serving a term in federal prison based on his conviction in this matter and for other crimes.
10. Cohen testified in early 2019 that the respondent, the President's current attorney Jay Sekulow, knew that Cohen's claim to Congress that the Trump Tower Moscow project ended in January 2016 was false.
11. Cohen testified it was Sekulow who was the one who decided to pick January 2016 as the time when they stopped working on Trump Tower Moscow.

12. Michael Cohen told lawmakers that ‘to the best of my recollection,’ Mr. Sekulow suggested he falsely state in his 2017 statement to Congress that negotiations around a possible Trump project in Moscow had ended in January 2016 — when in fact the talks carried on until that June.
13. Committee Chairman Adam Schiff asked Michael Cohen: "Just to be perfectly clear about this, the statement about the Trump Tower negotiations ending in January that was part of your original draft was false, and Mr. Sekulow knew that it was false?" asked, a California Democrat, according to the transcript.
- "Yes, sir," Cohen answered.
14. Cohen was asked, “Did you discuss that with Jay Sekulow?”
- Cohen answered, “Yes.”
- Cohen was asked, “What did he say about using January as the date?”
- Cohen answered, “Good. Good. Let’s just stay on message. Keep this thing short.”
15. In representing Donald Trump, Sekulow engaged in other dishonest and deceitful conduct related to the investigation of Robert Mueller and a Joint Defense Agreement that violated the Georgia Rules of Professional Conduct. This included, but is not limited to, Sekulow omitting material information from Michael Cohen’s written statement that was submitted to Congress and conduct that encouraged Cohen to testify falsely.
16. Excerpts of some of the relevant testimony From Michael Cohen, where he describes how Sekulow counseled and assisted him in giving false testimony to Congress, are attached hereto as Exhibits “A” and “B.”

WHEREFORE, the complainants respectfully request the State Bar of Georgia to fully investigate the facts and violations described in this complaint and that it duly, expeditiously and properly enforce the Georgia Rules of Professional Conduct.

Respectfully submitted,
J. WHITFIELD LARRABEE,
individually and as attorney for
THE DEMOCRATIC COALITION,
JON COOPER and SCOTT DWORKIN

A handwritten signature in black ink that reads "J. Whitfield Larrabee". The signature is written in a cursive, flowing style.

J. Whitfield Larrabee
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DATED: May 24, 2019

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EXECUTIVE SESSION

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

DEPOSITION OF: MICHAEL COHEN

Thursday, February 28, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 9:35 a.m.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, Heck, Welch, Maloney, Demings, Krishnamoorthi, Nunes,

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Conaway, Turner, Wenstrup, Stewart, Crawford, Stefanik, Hurd, and Ratcliffe.

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A No.

Q Do you recall any conversations about those three sentences prior to submitting the written statement?

A I don't recall.

Q But you do recall conversations prior to your testimony. Is that right?

A Yes.

Q And do those conversations center around the same lie as to when the Trump Tower Moscow deal ended, that it was January 2016?

A Some of the conversations, yes.

Q So let's just focus then broadly on the conversations you had prior to either submitting the written statement or your testimony. And maybe that's an easier way of framing it if it's hard to remember which related to which.

A Because I don't have timelines, so it's --

Q Okay. Now, you said you had conversations about either your testimony or this written statement. Who did you have conversations with?

A Jay Sekulow.

Q How many times did you speak with Jay Sekulow?

A A lot.

Q And remind us who Jay Sekulow is?

A Attorney for President Trump.

Q When you say a lot, can you give an approximation?

A Twenty or more.

Q Was your attorney on the phone for all those conversations?

A No.

Q So you had conversations one-on-one with Jay Sekulow?

A Yes. It was discussed with Steve Ryan, and he authorized me to speak to Jay once, of course, the joint defense agreement was in place. Plus, I had the previous relationship with Jay.

Q Okay. How many of the conversations, the 20 conversations involved just you and Jay Sekulow?

A I would say the bulk.

Q And these were all on the telephone?

A Yes.

Q So over the course of how long did these 20 conversations occur?

A I don't have the answer to that. I can try -- if you'd like, I --

Q The inauguration was January 2017.

A Yes.

Q The request to you was May of 2017 from this committee, okay. Your production of documents and the statement that you provided was August of 2017. And your testimony was October 24th of 2017. Okay. That's some of the timeline.

Over how many months do you think that you had these 20 conversations with Jay Sekulow about your upcoming testimony?

A I'd probably say that at least more than half, if not more than that, during the month before the statement in the testimony, within that month. I had a lot of conversations with Jay.

Q So tell us what Jay Sekulow said to you about either the statement or your testimony before Congress.

MR. MONICO: If the joint defense agreement is in place, is this a potential privilege problem or not?

THE CHAIRMAN: Counsel, if there's any indication that he was being urged to testify falsely, it would be nullified by the crime/fraud exception.

MR. MONICO: Okay.

BY MR. GOLDMAN:

Q Are you comfortable proceeding, Mr. Cohen, to discuss the conversations you had with Mr. Sekulow?

A Yes.

Q Was Mr. Sekulow essentially acting as your lawyer for these conversations?

A No.

Q He was the President's lawyer, but there were one-on-one conversations?

A Yes.

Q And what did he tell you about -- let's focus on this January 2016 date. Did you have any discussions with Jay Sekulow about stating that the Trump Tower deal ended January 2016?

A We talked about the entire statement. I can't tell you -- it happened, you know, 2 and a half years ago. I don't want to start to expand upon -- I'd rather do it in more of a generality.

Q Start general. Go ahead.

A We talked about staying on message. And the message was always was whether I was -- when I was with Mr. Trump or during these conversations, it was always about to stay on message, which is there's no Russia, there's no collusion, there's no business deals. And that was the message that we were staying on. And that was the message that I was going to put into the statement,

and --

Q So, if I can interrupt, this statement deals only with the Trump Tower Moscow.

A Correct.

Q Right?

A Yes. But the reason it stops in January of 2016 is because the documents that we had, meaning Steve Ryan, were -- there were text messages between Felix and myself. And there's one in January where I said to him: I'm done. We're finished.

And that's the message prior to the "if you don't believe me, call Peskov" text. That's why we used January as the date.

Q Did you discuss that with Jay Sekulow?

A Yes.

Q And what did he say about using January as the date?

A Good. Good. Let's just stay on message. Keep this thing short.

Q And what was the message about January 2016?

A It was the period of time, it was before the Iowa caucus. And it was just a good time. It was just -- it was before, it was a couple weeks before the Iowa caucus, and let's just keep it that way. And, again, since the deal didn't take place, what would have been the harm?

Q But what is the relevance of the Iowa caucus? Why did Jay Sekulow want you to say that --

A I don't know. At the time, I don't know. That was just the date that we had an endpoint, which was the Felix and my text. It was before the Iowa caucus. Let's just --

Q Did Jay Sekulow know that the deal was discussed until June of 2016?

A I believe so. Again, as I previously also testified, that it was before the -- really, the beginning of the campaign, which is the Iowa caucus, where everything really kicks off.

Q Okay. Let's use that. Did Jay Sekulow know that your discussions of Trump Tower Moscow in which you also discussed it with Donald Trump carried past the Iowa caucus into June of 2016?

A I believe so, yes.

Q Do you recall having conversations with him about it?

A To the best of my recollection, yes.

Q Now, Dr. Wenstrup asked you some questions, and I believe you said that there's nothing wrong with continuing to have business deals while you're a candidate. Is that right?

A He asked me that question, yes.

Q And do you agree with that?

A I wasn't part of the campaign. And I wanted to see this project become a reality. Yes, I continued to work on it.

Q And you said earlier there's nothing illegal about pursuing a deal in Moscow?

A There is nothing illegal about pursuing a deal in Moscow.

Q So did Jay Sekulow tell you then why he wanted you to lie about pursuing a deal in Moscow during the campaign?

A Not that I recall, no. This was the message. And we were preparing the statement and stay on message, and there's nothing going -- that this whole thing is going to be over. There's no -- the investigation is going to come to an

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EXECUTIVE SESSION

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

PART 2, DEPOSITION OF: MICHAEL COHEN

Wednesday, March 6, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 9:37 a.m.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, Heck, Welch, Maloney, Demings, Krishnamoorthi, Nunes,

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BY MR. GOLDMAN:

Q Sure. I just -- I read that statement that Jay Sekulow gave where he focused very specifically on the duration of the Trump Tower Moscow negotiation, and he said that any testimony you made that the President or attorneys for -- sorry. That the attorneys for the President edited or changed that aspect of the statement was completely false.

A And so the question was --

Q Is that an accurate statement?

A I can't give you an answer. I don't know.

What I would say is that the joint defense agreement provided the attorney group with copies of the statement, and it was changed and edited by all, and ultimately the information that was in that statement was acknowledged by everyone.

Q And when you first drafted the statement, or at least of the drafts that we've seen, is it accurate that January 2016 was always the end date for the Trump Tower Moscow project?

A Yeah, I wrote the initial draft of the statement, and I put in the January date.

Q And did you discuss with Jay Sekulow prior to putting in that January date that you were going to put in the January date?

A I don't recall specifically that conversation, but he read it and we had discussed it.

Q You testified earlier that Jay Sekulow and you discussed ending the purported date --

A In January.

Q -- in January.

A That's correct.

Q So it was already baked into the statement when you drafted it?

A That's correct.

Q Were there other aspects of the statement that Jay Sekulow edited?

A Yes, there were. You'll find them in the revisions.

MR. GOLDMAN: Mr. Chairman, do you or any of the members have any questions on this?

THE CHAIRMAN: Just a couple.

Mr. Sekulow's statement of last week only denies that the edits or changes to the statement were designed to alter the duration of the Moscow Trump Tower negotiations. He says nothing about whether he was aware that it was false to begin with. Was that correct?

MR. COHEN: That's correct.

THE CHAIRMAN: In your view, was this an effort to make a non-denial denial?

MR. COHEN: That's one way to put it. The purpose, Chairman, was again to minimize the duration, to minimize the contact. It was just to stay on message.

And as I testified before, which comports with what I just said to Mr. Goldman's question a moment ago, the goal was to keep it to a minimum. And when I had previously discussed with Mr. Sekulow the fact that this text existed between Felix, myself for the January, that's where that date ended up being inserted into the original draft.

THE CHAIRMAN: And just to be perfectly clear about this, the statement

about the Trump Tower negotiations ending in January that was part of your original draft was false, and Mr. Sekulow knew that it was false?

MR. COHEN: Yes, sir.

THE CHAIRMAN: Was part of the intention in releasing this statement publicly when your testimony would be private and doing so well in advance of your testimony, to telegraph to others what the party line should be in particular about the duration of the Trump Tower Moscow negotiations?

MR. COHEN: I wouldn't say that it was to telegraph the message. Everybody knew the message. It was just reinforcement of the message.

THE CHAIRMAN: Okay.

MR. COHEN: And when I was referring to everybody, I was talking about everybody in the circle, not everybody in the world.

THE CHAIRMAN: Okay.

MR. KRISHNAMOORTHY: Mr. Cohen, was there any discussion about why it was -- the message was decided to go out that the Trump Tower negotiations would conclude in January 2016?

MR. COHEN: Because it was prior to the Iowa caucus, which many people believe is the beginning, the kick-off to the campaign.

MR. KRISHNAMOORTHY: And who communicated that message to you?

MR. COHEN: That would have been Jay Sekulow.

MR. KRISHNAMOORTHY: And was there any other reason for why that January 2016 timeframe would be the end date?

MR. COHEN: Yes.

MR. KRISHNAMOORTHY: Can you please elaborate?

MR. COHEN: Because there was a text message, again, between myself

and Mr. Sater, that corroborated that date and gave it credibility.

MR. KRISHNAMOORTHY: Okay. Thank you.

THE CHAIRMAN: Okay.

Mr. Goldman.

BY MR. GOLDMAN:

Q Could I just follow up with Mr. Sater for 1 minute.

Is it your understanding that Mr. Sater knew that the dates in the written statement were false?

A Yes, he was a participant in all of the communications up and through June of that year.

Q Did you have any conversations with Mr. Sater directly prior to submitting this written statement about the substance of the statement?

A I did not. I don't recall having any.

Q But in that email that we saw where he said everything was essentially accurate --

A That's an email from Steve Ryan.

Q I understand. So that was the sum total of your understanding as to Sater's involvement in the drafting of this statement?

A Yes.

Q I'm going to move on now to --

MR. SWALWELL: I just have one question.

MR. GOLDMAN: Go ahead.

MR. SWALWELL: Mr. Cohen, during this period of time you mentioned that there possibly was a leak after your testimony, but you did receive an attaboy. Were you familiar during this period of time as to whether President Trump had

any relationship with the chairman of the committee at the time, Mr. Nunes?

MR. COHEN: [Nonverbal response.]

MR. SWALWELL: Did you know of a relationship between the two?

MR. COHEN: Only what I would read in the newspaper.

MR. SWALWELL: I yield back. Thanks.

BY MR. GOLDMAN:

Q I'm going to move on now to continue the pardon conversation that we had last year -- last time you testified, on February 28th. I'm not going to rehash all of your testimony.

A Thank you.

Q But if I could summarize what I believe you testified to last time and just have you explain whether this is accurate.

You testified last time that you met in the Oval Office with Donald Trump and Jay Sekulow in or about May of 2017?

A Correct.

Q During which conversation you discussed the possibility of a pardon. Is that accurate?

A Correct. To the best of my recollection, yes.

Q At that time was Jay Sekulow the President's lawyer?

A During the first meeting he was not, he actually was my attorney.

Q He was your attorney at that time?

A Yes. I brought him into the White House, and it was ultimately decided that he would represent the President and then provided me with the name of -- and I think I testified to this last time -- and provided me with the names of a couple of different attorneys that I should reach out to.

The first one I reached out to they had a conflict, the second one didn't want to do it because of previous payment issues, and the third one ended up being Steve Ryan.

Q Did you have an attorney prior to receiving the letter from this committee requesting your voluntary cooperation?

A No, sir.

Q Do you recall then subsequently receiving a subpoena from this committee when you refused to cooperate?

A Yes.

Q Was this meeting at the White House before or after you received the subpoena?

A I don't recall. I would -- if I had to guess --

Q Well, don't guess about. Let me help you refresh your recollection. Because I think last time you stated that one of the topics of conversation is that Trump --

A Actually it was --

Q -- was upset that you were not cooperating.

A Yes, but I don't know if I had received your subpoena at that time. There was an article that I had refused to come, and I don't know if it was because of the subpoena or because of the article that said I refused. So I'm just still not sure.

Q You also testified last time that after this meeting in the Oval Office, which you described in some detail last time, that you had a number of phone calls with Jay Sekulow relating to the case. Is that right?

A That's correct.

Q Now, having had the opportunity to think about this for almost a week, do you have any better recollection as to the nature and substance of any conversations you had with Jay Sekulow about pardons?

A Nothing greater than what I had already stated to the committee.

Q Okay. You testified last time about the notion of a pre-pardon, and that you had a conversation with him about that?

A Correct.

Q And that that might relate -- that might be conferred upon individuals other than you as well?

A Yes. And that pre-pardon wouldn't work, again, because then you waive your Fifth Amendment rights since you now have immunity, so the concept disappeared rather quickly.

Q Can you state again what Sekulow said about the reason why at least he was considering giving pardons to you and perhaps others?

A It was to shut down the inquiries and to shut the investigation down.

Q And do you know whether -- did he relay to you any conversations he had had with the President, who he referred to as the client, in that -- on that topic?

A Virtually all my conversations were -- referred back to the client. Jay wasn't going to speak on behalf of the President, he was relaying messages back and forth, and as well giving me legal advice in certain respects.

Q So is it your testimony that whatever discussions that Jay Sekulow had regarding pardons was done with the knowledge and authority of the President?

A I believe so.

Q You testified last time about a number of conversations that you had